

# State Activities on Telehealth Policy

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National Association of Insurance  
Commissioners



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## CENTER FOR CONNECTED HEALTH POLICY (CCHP)

is a non-profit, non-partisan organization that seeks to advance state and national telehealth policy to promote improvements in health systems and greater health equity.

# DISCLAIMERS

- Any information provided in today's talk is not to be regarded as legal advice. Today's talk is purely for informational purposes.
- Always consult with legal counsel.
- CCHP has no relevant financial interest, arrangement, or affiliation with any organizations related to commercial products or services discussed in this program.

# ABOUT CCHP

- Established in 2009 as a program under the Public Health Institute
- Became federally designated national telehealth policy resource center in 2012 through a grant from HRSA
- Work with a variety of funders and partners on the state and federal levels
- Administrator National Consortium of Telehealth Resource Centers
- Convener for California Telehealth Policy Coalition



# TELEHEALTH POLICY CHANGES IN COVID-19

## FEDERAL

MEDICARE ISSUE	CHANGE
Geographic Limit	Waived
Site limitation	Waived
Provider List	Expanded
Services Eligible	Added additional 80 codes
Visit limits	Waived certain limits
Modality	Live Video, Phone, some srvs
Supervision requirements	Relaxed some
Licensing	Relaxed requirements
Tech-Enabled/Comm-Based (not considered telehealth, but uses telehealth technology)	More codes eligible for phone & allowed PTs/OTs/SLPs & other use

- DEA – PHE prescribing exception/allowed phone for suboxone for OUD
- HIPAA – OCR will not fine during this time

## STATE (Most Common Changes)

MEDICAID ISSUE	CHANGE
Modality	Allowing phone
Location	Allowing home
Consent	Relaxed consent requirements
Services	Expanded types of services eligible
Providers	Allowed other providers such as allied health pros
Licensing	Waived some requirements

- Private payer orders range from encouragement to cover telehealth to more explicit mandates
- Relaxed some health information protections

# STATE POLICIES

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# PERMANENT STATE TELEHEALTH CHANGES IN 2020

- July –August 2020 - 31 states made permanent changes
  - Most done through administrative channels, not legislation
  - Not clear that all were done in response to COVID or had they been planned to be done before the pandemic

# PERMANENT STATE TELEHEALTH CHANGES IN 2020

- Several states adopted policy of telephone reimbursement in Medicaid but for narrow set of services (SC, TX, TN)
- Clarified that home is an eligible originating site in Medicaid (SD, CO, UT)
- Clarified policies around FQHCs/RHCs in Medicaid
  - HI – FQHCs/RHCs eligible providers
  - WV – Allowed psychiatrists and psychologists in FQHCs/RHCs to be eligible distant site providers
  - WI – Allow full PPS rate reimbursement

# 2021 STATE TRENDS

- Mental health bills
- SUD bills
- Removing the telephone exclusion from existing definitions of telehealth or telemedicine
- Licensure bills
- Requirements on regulatory boards to address telehealth bills
- Also discussions on what to make permanent in Medicaid programs



# CCHP

- CCHP Website – [cchpca.org](http://cchpca.org)
  - Telehealth Federal Policies -  
<https://www.cchpca.org/resources/covid-19-telehealth-coverage-policies>
  - State Emergency Waivers/Guidance -  
<https://www.cchpca.org/resources/covid-19-related-state-actions>
- Subscribe to the CCHP newsletter at [cchpca.org/contact/subscribe](http://cchpca.org/contact/subscribe)



# Thank You!

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